

**TAYLORSVILLE, UTAH**  
**ORDINANCE NO. 16-13**

**AN ORDINANCE OF THE CITY OF TAYLORSVILLE AMENDING TAYLORSVILLE  
CODE OF ORDINANCES SECTION 2.36.040: CAMPAIGN FINANCE STATEMENTS**

**WHEREAS**, the City Council (the "Council") met in regular session on November 2, 2016, to consider, among other things, adopting an ordinance amending Taylorsville Code of Ordinances Section 2.36.040: Campaign Finance Statements; and

**WHEREAS**, the purpose of the proposed amendment is to provide more information to the electorate by becoming increasingly more transparent regarding governmental affairs; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City of Taylorsville to amend Section 2.36.040.

**NOW, THEREFORE, BE IT ORDAINED** by the Taylorsville City Council that the amendments to the Taylorsville Code of Ordinances Section 2.36.040 are hereby adopted and are designated by interlineating the words to be deleted and underlining the words to be added, as follows:

**CHAPTER 2.36**  
**ELECTIONS**

**2.36.040 CAMPAIGN FINANCE STATEMENTS:**

A. All candidates for municipal office shall comply with campaign finance disclosure requirements as prescribed in Utah Code Ann. §10-3-208 or its successor.

B. In addition to the requirement set forth in Section 2.26.040(A) above, each elected official and/or candidate for municipal office shall file with the city recorder a campaign finance statement containing the information required in this Section, on [add date] of each year.

**THIS ORDINANCE**, assigned Ordinance No. 16-13, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the city recorder, and accepted as required herein.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**TAYLORSVILLE CITY COUNCIL**

By: \_\_\_\_\_  
Ernest Burgess, Chairman

**VOTING:**

Dama Barbour	Yea	___	Nay	___
Ernest Burgess	Yea	___	Nay	___
Daniel Armstrong	Yea	___	Nay	___
Kristie Overson	Yea	___	Nay	___
Brad Christopherson	Yea	___	Nay	___

**PRESENTED** to Mayor of Taylorsville for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**Lawrence Johnson, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cheryl Peacock Cottle, Recorder**

**DEPOSITED** in the Recorder's office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**POSTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.



## LEGAL MEMORANDUM

TO: Taylorsville City City Council  
FROM: Taylorsville City Attorney's Office  
DATE: October 28, 2016  
RE: Municipal Campaign Finance Disclosure Requirements

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### INTRODUCTION

The Taylorsville City Attorney's Office was initially asked to research and identify the City's current finance disclosure requirements and whether the City may enact ordinances that require stricter campaign finance disclosure requirements than state law. As part of its research, the Attorney's Office evaluated the campaign finance disclosure requirements adopted by most cities within Salt Lake County, as well as Salt Lake County's campaign finance disclosure requirements. Salt Lake City and Salt Lake County are the only entities that require stricter campaign finance reporting than state law requires. A copy of the Salt Lake City campaign finance disclosure ordinance and the Salt Lake County campaign finance disclosure ordinance are attached hereto as Exhibit "A" and Exhibit "B," respectively, for your reference. After further consideration, the Attorney's Office was then asked to research and prepare options for the City to adopt stricter campaign finance disclosure requirements that would require City elected officials to file a campaign finance disclosure statement annually.

### Taylorsville Law

The City of Taylorsville adopted an ordinance which requires all municipal political candidates to comply with the campaign finance disclosure requirements established by state law.<sup>1</sup> In Taylorsville, political candidates who are not successful in a primary election are required to file two (2) campaign finance statements: one no later than seven (7) days prior to the primary election and one no later than thirty (30) days after the primary election. Candidates who are successful in a primary election are required to file three (3) campaign finance statements: one no later than seven (7) days prior to the primary election date, one no later than seven (7) days prior to the general election date, and one no later than thirty (30) days after the general election date. The Taylorsville ordinance does not include any requirements relating to disclosing campaign finance information halfway through a political candidate's current term.

### Utah Law

Utah law allows each municipality to adopt ordinances establishing their own campaign finance disclosure requirements for political candidates.<sup>2</sup> In the event that a municipality does not establish their own ordinances governing campaign finance disclosures, political candidates are required to comply with the state's campaign finance disclosure requirements.<sup>3</sup>

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<sup>1</sup> TAYLORSVILLE MUNICIPAL CODE § 2.36.040 (2013).

<sup>2</sup> UTAH CODE ANN. § 10-3-208(2)(a) (2016).

<sup>3</sup> UTAH CODE ANN. § 10-3-208(2)(c) (2016).

Utah law requires that all political candidates participating in a municipal primary election file a campaign finance statement with the municipal recorder no later than seven (7) days prior to the date of the primary election.<sup>4</sup> Candidates who are eliminated in the primary election shall file an additional campaign finance statement with the municipal recorder no later than thirty (30) days after the date on which the primary election was held.<sup>5</sup> Candidates who are successful in the primary election and who move on to participate in the general election must file a campaign finance statement with the municipal clerk no later than seven (7) days before the date of the general election.<sup>6</sup> All candidates who participate in a general election must also file an additional campaign finance statement with the municipal clerk no later than thirty (30) days after the date on which the general election was held.<sup>7</sup> State law does not include any requirements relating to disclosing campaign finance information halfway through a political candidate's current term.

### **Campaign Finance Statement Requirements**

State law requires that each campaign finance statement include the following information:

1. Report all of the candidates itemized and total contributions, including in-kind and non-monetary contributions, received up to and including five (5) days before the campaign finance statement is due, excluding a contribution previously reported;
2. Report all of the candidates itemized and total expenditures made up to and including five (5) days before the campaign finance statement is due, excluding an expenditure previously reported;
3. For each contribution, identify the amount of the contribution and the name of the donor, if known; and
4. For each expenditure, identify the amount of the expenditure and the name of the recipient of the expenditure.

If a municipal political candidate receives \$500 or less in contributions and expends \$500 or less on the candidate's campaign, then the candidate is only required to disclose the total amount of contributions and expenditures in the campaign finance statement instead of the information listed above.<sup>8</sup>

### **Other Municipalities**

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<sup>4</sup> UTAH CODE ANN. § 10-3-208(3)(b) (2016).

<sup>5</sup> UTAH CODE ANN. § 10-3-208(3)(d) (2016).

<sup>6</sup> UTAH CODE ANN. § 10-3-208(3)(c)(i) (2016).

<sup>7</sup> UTAH CODE ANN. § 10-3-208(3)(c)(ii) (2016).

<sup>8</sup> UTAH CODE ANN. § 10-3-208(4) (2016).

Most of the other municipalities located in Salt Lake County have also adopted ordinances that require all municipal candidates to comply with the campaign disclosure requirements established by state law.<sup>9</sup> However, Salt Lake City has adopted an ordinance that includes more stringent guidelines than state law requires. In addition to the standard state requirements detailed above, Salt Lake City also requires all municipal political candidates to file a campaign finance statement by July 1 of any election year.<sup>10</sup> Salt Lake City also requires all candidates to file a campaign finance statement on February 15 of each year.<sup>11</sup> On the other hand, Holladay adopted an ordinance that included fewer campaign finance statement requirements than established in state law. Holladay does not require its political candidates to file a campaign finance statement prior to a primary election.<sup>12</sup> Rather, candidates who are eliminated at a primary election only have to file one campaign finance statement no later than thirty (30) days after a primary election date; candidates who are successful in a primary election must file a campaign finance statement no later than seven (7) days prior to a general election and no later than thirty (30) days after a general election.<sup>13</sup>

### OPTIONS AND RECOMMENDATIONS

The City has three options in this matter. The first option is to leave the ordinance as is. The second option is to amend the City's current ordinance to include an additional term stating that each political candidate shall file a campaign finance disclosure statement on July 1 of any municipal election year, as well as on February 15 of every year unless a termination report has been filed with the city recorder. If the Council selects to amend its current ordinance, the proposed ordinance attached hereto as Exhibit "C" will suffice. The third option is not reference state code as the City's campaign finance disclosure requirement guideline and instead draft a whole new campaign finance disclosure ordinance. Please note that if the Council selects to adopt a new ordinance, the City Attorney's Office will need additional time to draft the new ordinance.

The City Attorney's Office recommends that the Council adopt the ordinance amending the City's current ordinance to include the additional terms for annual reporting.

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<sup>9</sup> The Taylorsville City Attorney's Office conducted a brief survey of the municipal codes for the following cities: Salt Lake City, South Salt Lake, Murray, West Valley City, West Jordan, South Jordan, Draper, Herriman, Draper, Cottonwood Heights, and Holladay.

<sup>10</sup> SALT LAKE CITY MUNICIPAL CODE § 2.46.090(A)(1)(a).

<sup>11</sup> SALT LAKE CITY MUNICIPAL CODE § 2.46.090(A)(1)(d).

<sup>12</sup> HOLLADAY CITY MUNICIPAL CODE § 2.03.110(B).

<sup>13</sup> *Id.*

## Chapter 2.72A - REVISED CAMPAIGN FINANCING DISCLOSURE

### Sections:

#### 2.72A.101 - Definitions.

As used in this chapter:

"Address" means the number and street where an individual resides or where a reporting entity has its principal office.

"Candidate" means any person who:

1. Files a declaration of candidacy for a public office; or
2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

"Chief election officer" means the county clerk.

"Contractor" means, for purposes of this chapter, any person, business, corporation, or other entity that executes a written agreement with the county for the acquisition or management of goods, services, or property, or the disposal of surplus goods, whether personal, real, or intangible, including all amendments, extensions, or addendums to the existing contract.

"Contribution" means:

1. Any of the following when done for political purposes:
  - a. A gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
  - b. An express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
  - c. Any transfer of funds from another reporting entity to the filing entity;
  - d. Compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; and

- e. Goods or services provided to or for the benefit of the filing entity at less than fair market value.
2. "Contribution" does not include:
- a. Services provided without compensation by individuals volunteering a portion or all of their time or talents on behalf of the filing entity;
  - b. Money lent to the filing entity by a financial institution in the ordinary course of business; or
  - c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"County office" means the offices of county mayor, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county district attorney, county surveyor or county assessor.

"County office candidate" means a person who:

- 1. Files a declaration of candidacy for a county office; or
- 2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a county office.

"Detailed listing" means:

- 1. For each contribution:
  - a. The name and address of the individual or source making the contribution;
  - b. The amount or value of the contribution; and
  - c. The date the contribution was made.
- 2. For each expenditure:
  - a. The amount of the expenditure;
  - b. The person or entity to whom it was disbursed;
  - c. The specific purpose, item, or service acquired by the expenditure; and
  - d. The date the expenditure was made.

"Election" means any general, special or primary election held pursuant to and as defined and provided by Titles 11.20, or 20A, Utah Code Annotated, or by any other applicable provision of state law or county ordinance, and conducted by the county.

"Election cycle" means:

1. The period following the general election but prior to the next political convention in any year in which the candidate has filed to run for county elected office;
2. The period following a political convention but prior to the primary election in any year in which the candidate has filed to run for county elected office;
3. The period following a primary election but prior to a general election in any year in which the candidate has filed to run for county elected office.

"Expenditure" means:

1. Any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
2. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
3. An express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
4. Compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
5. Transfer of funds between the filing entity and a candidate's personal campaign committee; or
6. Goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.
7. "Expenditure" does not include:
  - a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
  - b. Money lent to a reporting entity by a financial institution in the ordinary course of business; or
  - c. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars.

"Filing entity" means the reporting entity that is filing a report required by this chapter.

"Financial statement" includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.



"Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

"Incorporation" means the process established by Utah Code Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

"Incorporation election" means the election authorized by Utah Code Section 10-2-111.

"Incorporation petition" means a petition authorized by Utah Code Section 10-2-109.

"Individual" means a natural person.

"Interim report" means a report identifying the contributions received and expenditures made since the last report.

"Local school board office candidate" means a person residing within the county who:

1. Files a declaration of candidacy to become a member of a local school board; or
2. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to become a member of a local school board.

"Officeholder" means a person who holds a public office.

"Party committee" means any committee organized by or authorized by the governing board of a registered political party.

"Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

"Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

"Political action committee" means:

1. An entity, or any group of individuals or entities within or outside this county, that solicits or receives contributions from any other person, group, or entity or makes expenditures for political purposes. A group or entity may not divide or separate into units, sections, or smaller

groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

2. "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
3. "Political action committee" does not mean:
  - a. A registered political party or party committee or political party auxiliary;
  - b. Any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
  - c. An individual;
  - d. A corporation using its own funds, except a corporation whose intended purpose is to act as a political action committee;
  - e. Individuals who are related and who make contributions from a joint checking account; or
  - f. A personal campaign committee.

"Political convention" means a county political convention held by a registered political party to select candidates.

"Political issues committee" means:

1. An entity, or any group of individuals or entities within or outside this county, that solicits or receives donations from any other person, group, or entity or makes expenditures to influence, or to intend to influence, directly or indirectly, any person to:
  - a. Assist in placing a countywide ballot proposition on the ballot, assist in keeping a countywide ballot proposition off the ballot, or refrain from voting or vote for or vote against any countywide ballot proposition; or
  - b. Sign or refuse to sign a petition for a proposed incorporation, initiative, referendum, or change of county government or refrain from voting, vote for, or vote against a proposed incorporation, initiative, referendum, or change of county government.
2. "Political issues committee" does not mean:
  - a. A registered political party or a party committee or political party auxiliary;
  - b. Any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

- c. An individual; or
- d. Individuals who are related and who make contributions from a joint checking account.

"Political issues contribution" means:

1. Any of the following:
  - a. A gift, subscription, unpaid or partially unpaid loan, advance or deposit of money or anything of value given to a political issues committee;
  - b. An express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
  - c. Any transfer of funds received by a political issues committee from a reporting entity;
  - d. Compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
  - e. Goods or services provided to or for the benefit of a political issues committee at less than fair market value.
2. "Political issues contribution" does not include:
  - a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee;
  - b. Money lent to a political issues committee by a financial institution in the ordinary course of business; or
  - c. Volunteering use of assets for the benefit of a political issues committee that do not exceed fifty dollars.

"Political issues expenditure" means:

1. Any of the following:
  - a. Any payment from political issues contributions made for the purpose of influencing the approval or the defeat of a countywide ballot proposition;
  - b. A purchase, payment, distribution, loan, advance, deposit, or gift of money made for the purpose of influencing the approval or the defeat of a countywide ballot proposition;
  - c. An express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
  - d. Compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

- e. Goods or services provided to or for the benefit of another reporting entity at less than fair market value.
2. "Political issues expenditure" does not include:
- a. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee;
  - b. Money lent to a political issues committee by a financial institution in the ordinary course of business; or
  - c. Volunteering use of assets for the benefit of a political issues committee that do not exceed fifty dollars.

"Political party auxiliary" means the county subdivision of a registered political party organized in accordance with state law.

"Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

"Primary election" means any regular primary election held under the election laws.

"Public office" means the office of county mayor, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county district attorney, county surveyor, county assessor, or local school board member.

"Publicly identified class of individuals" means a group of fifty or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial report they are listed.

"Receipts" means contributions.

"Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the county clerk's office.

"Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the county clerk's office.

"Registered political party" means an organization of voters that:

1. Participated in the last regular general election and polled a total vote equal to two percent or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
2. Has complied with the petition and organizing procedures of set forth in Utah statutes.

"Report" means a verified financial statement.

"Reporting entity" means a candidate, a candidate's personal campaign committee, an officeholder and a party committee, a political action committee, and a political issues committee.

"Statement of organization" means an informational document filed by a reporting entity that complies with the requirements of this chapter.

"Source" means:

1. The person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.
2. For political action committees, "source" means the political action committee as an entity, not the contributors to the political action committee.

"Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

"Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

(Ord. No. 1767, § 1, 4-29-2014; Ord. 1575 § 3, 2005; Ord. 1573 § 2 (part), 2005; Ord. 1528 § 2 (part), 2004)

#### 2.72A.103 - Reports—Form of submission—Notification by clerk—Legal holidays.

- A.
  1. Ten days before a financial statement or report from a county office candidate, local school board office candidate, office holder, political action committee or political issues committee is due under this chapter, the county clerk shall inform those candidates and entities by postal mail or, if requested by the reporting entity, by electronic mail:
    - a. That the report is due; and
    - b. The date that the report is due.
  - 2.



In addition to the information required by subsection (A)(1), ten days before the interim reports for candidates are due, the county clerk shall inform the candidate that, if the report is not received in the county clerk's office by five p.m. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.

3. In addition to the information required by subsection (A)(1) and in the same mailing, ten days before the interim reports or verified financial statements for entities are due, the county clerk shall inform the entity, candidate, officeholder that, if the report is not received in the county clerk's office by the date that it is due, the entity, candidate or officeholder may be guilty of an infraction for failing to file the report or statement.
- B. Persons or entities submitting reports required by this chapter may submit them:
1. On paper, printed, typed or legibly handwritten or hand-printed;
  2. Via fax; or
  3. Upon an e-mail system being created by the county clerk, via electronic mail according to specifications established by the chief election officer.
- C. A report is considered filed if:
1. It is received in the chief election officer's office no later than five p.m. on the date that it is due;
  2. It is received in the chief election officer's office with a postmark three days or more before the date that the report was due; or
  3. The candidate, or entity has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- D. Whenever the date required for any filing in the county clerk's office before five p.m. required by this chapter falls on a legal holiday or a Saturday or Sunday, the filing may be delayed until five p.m. on the next county working day.

(Ord. No. 1767, § 1, 4-29-2014; Ord. 1573, § 2 (part), 2005; Ord. 1528, § 2 (part), 2004)

#### 2.72A.104 - Limitations on contributions.

- A. Cash Contributions. No person shall make total cash contributions exceeding one hundred dollars during any calendar year to a filing entity, unless that contribution is made in the form of a personal or certified check, bank draft or money order identifying the donor.
- B.

Anonymous Contributions. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a filing entity shall be transmitted to the county treasurer for deposit in the county general fund.

- C. Proxy Contributions. No person shall make a contribution in the name of another person or make a contribution with another person's funds in their own name, and no filing entity shall knowingly accept such contributions. No person shall solicit another person to make a contribution with another person's or funds other than in their own name. Contributions made by registered political parties or reporting entities may be made and received so long as the name of the party or filing entity is imprinted on any check or other means of contribution and is listed in applicable financial statements made pursuant to this chapter.
- D. Contributions by Contractors. A person, business, corporation or other entity that is a contractor with the county is prohibited from making a total of contributions that exceed one hundred dollars to any candidate for county office during the term of contract and during a single election cycle as defined in this section. For purposes of this section, a person or entity shall be considered a contractor and doing business with the county if it is engaged in any contract with the county on the date of the contribution or it has contracted with the county at any time during a one-year period prior to the date of the contribution. Any person, business, corporation or other entity making contributions of one hundred dollars or more to any county candidate shall be prohibited from entering into a contract for at least one year after the date the contribution was made. This provision shall only apply to contracts in excess of ten thousand dollars and shall not apply to contracts entered into by the county pursuant to existing statewide contracts, small-cost purchases, and expedited contracts when the county council waives the requirements of this section as to the expedited contract. This limitation on contributions by contractors as well as the penalties for violating this subsection set forth in Section F below do not apply to local school board candidates.
- E. Contribution Caps. No donor shall make contributions to a county candidate in excess of six thousand dollars during the three election cycles defined in Section 2.72A.101. If the county candidate ceases to be a county candidate for any reason, contributions received from a donor totaling in excess of two thousand dollars per election cycle completed by the county candidate shall be refunded to the donor within ten days of the termination of the county candidacy. A county candidate filing the campaign financial statements or reports required by this chapter shall specifically identify each donor contribution received that is in excess of two thousand dollars and shall specifically identify the campaign contributions refunded pursuant to this section.
- F. Penalties.

1. If a contribution or contributions are received without a candidate's knowledge of a violation of this section, the candidate may return the contribution without penalty if the contribution is returned within ten days after the candidate knows of the violation, by way of notification from the county clerk.
2. If any contribution is made in violation of the prohibition on contributions by contractors, any existing county contract with the contractor may be voided, at the discretion of the county mayor or council. Any contractor who knowingly makes a contribution or contributions in violation of this provision shall be guilty of a Class B misdemeanor.
3. If any contribution is made in violation of the prohibition on contributions by contractors, the official to whom that contribution is made must return the contribution. Any elected official who knowingly takes a contribution or contributions which are not returned under subsection (F)(1) of this section is in violation of this provision and may be guilty of a Class B misdemeanor.

(Ord. No. 1767, § 1, 4-29-2014; Ord. 1623 § 2, 2008; Ord. 1575 § 4, 2005; Ord. 1573 § 2 (part), 2005; Ord. 1549 § 2, 2005; Ord. 1541 § 3, 2004; Ord. 1528 § 2 (part), 2004)

#### 2.72A.105 - Political party contributions.

- A. State and local party committees are subject to the same monetary contribution limits as all other donors.
- B. In addition to direct monetary contributions, state and local party committees may make in-kind contributions of a maximum of ten thousand dollars per candidate for county elected office per election cycle. Independent expenditures made by a state or local party committee not coordinated with a candidate for county elected office are not subject to the in-kind limit. For the purposes of this section, coordination means consulting, cooperating, or working in concert with or at the request or suggestion of a candidate or party committee. Expenditures made in coordination with a candidate or party committee are treated as in-kind contributions to that candidate or party committee. They are subject to all the limits and disclosure requirements that apply to such contributions.
- C. If the names and/or likenesses (including photographs) of multiple candidates are used in any campaign materials or activities paid for by state and local party committees, the amount of the in-kind contribution to be reported and subject to the in-kind contribution limit, shall be determined by equally dividing the total expenditure by the number of candidates named in the material.

(Ord. 1573 § 2 (part), 2005)

2.72A.201 - County office candidate, local school board office candidate and officeholder—Separate bank account for campaign funds.

- A.
  - 1. Each county office candidate, local school board office candidate or the candidate's personal campaign committee or officeholder shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
  - 2. The county office candidate, the local school board office candidate or the candidate's personal campaign committee or officeholder may use the monies in those accounts only for political or charitable purposes.
- B. A county office candidate, a local school board office candidate or the candidate's personal campaign committee or officeholder may not deposit or mingle any contributions received into a personal or business account.
- C. If a person who is no longer a county office candidate, local school board office candidate or officeholder chooses not to expend the monies remaining in his or her campaign account, the person shall continue to file the year-end summary report required by Section 2.72A.203 until the statement of dissolution and final summary report required by Section 2.72A.205 are filed with the county clerk.
- D. Campaign account bank statements shall be provided to the county clerk or district attorney upon request for verification purposes in the event of an official complaint or discrepancy in reporting.
- E.
  - 1. As used in this Subsection E, "account" means an account in a financial institution:
    - a. That is not described in the above Subsections A, B, C or D; and
    - b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
  - 2. A candidate for county office shall include on any financial reports filed in accordance with this section a contribution deposited in or an expenditure made from an account:
    - a. Since the last financial report filed; or
    - b. That has not been reported under a statute or ordinance that governs the account.

(Ord. No. 1767, § I, 4-29-2014; Ord. No. 1731, § II, 6-5-2012; Ord. 1573, § 2 (part), 2005; Ord. 1541, § 4, 2004; Ord. 1528, § 2 (part), 2004)

2.72A.202 - County office candidate, local school board office candidate and officeholder—Personal campaign committee required.

- A. 1. a. Each county office candidate, local school board office candidate or officeholder shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.  
b. A county office candidate or local school board office candidate may serve as his or her own campaign committee.
- 2. Except for expenses made by a registered political party to benefit a party's candidates generally, a county office candidate, local school board office candidate or officeholder or other person acting in concert with or with the knowledge of the county office candidate, local school board office candidate or officeholder may not receive any contributions or make any expenditures on behalf of a county office candidate, local school board office candidate or officeholder other than through a personal campaign committee established under this section.
- B. 1. Before any county office candidate, any local school board office candidate or officeholder shall receive contributions in excess of two hundred fifty dollars or make expenditures in excess of two hundred fifty dollars on behalf of any candidacy, the county office candidate, local school board office candidate or officeholder shall file a written statement of organization signed by the candidate or officeholder or authorized member of the candidate's or officeholder's personal campaign committee with the county clerk that:
  - a. Informs the county clerk that the county office candidate's, local school board office candidate's or officeholder's personal campaign committee has been selected;
  - b. Provides the name, address and title of each member and the secretary of the committee. If a personal campaign committee consists of only one person, that person shall be deemed the secretary.
- 2. A county office candidate, a local school board office candidate, the officeholder or the candidate's or officeholder's personal campaign committee may not make any expenditures above two hundred fifty dollars on behalf of the candidate until the statement has been filed.
- 3. A county office candidate, a local school board office candidate or office holder may revoke the selection of any member of the campaign committee by:
  - a. Revoking that person's appointment or selection in writing;
  - b. Personally serving the written revocation on the member whose selection is revoked; and
  - c. Filing a copy of the written revocation with the county clerk.



4. a. The county office candidate, local school board office candidate or officeholder may select a replacement to fill any vacancy on the campaign committee.
  - b. The county office candidate or local school board office candidate shall file that replacement's name and address with the county clerk.
  - C. A member of a county office candidate's, local school board office candidate's or officeholder's personal campaign committee may not make an expenditure of more than one thousand dollars unless the county office candidate, local school board office candidate, officeholder or secretary of the personal campaign committee authorizes the expenditure in writing.
  - D. A county office candidate, local school board office candidate, officeholder or the candidate's or officeholder's personal campaign committee may not make any expenditures prohibited by law.
- (Ord. No. 1767, § 1, 4-29-2014; Ord. 1528, § 2 (part), 2004)

2.72A.203 - County office candidate, local school board office candidate, and officeholder—Financial reporting requirements—Year-end summary report.

- A. Each county office candidate, local school board office candidate or officeholder shall file a summary report by January 31st of each year.
- B.
  1. Each summary report shall include the following information as of December 31st of the previous year:
    - a. The net balance of the last summary report, if any;
    - b. A single figure equal to the total amount of receipts reported on all interim reports, if any;
    - c. A single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the election year;
    - d. A detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
    - e. For each nonmonetary contribution, the fair market value of the contribution;
    - f. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
    - g. For each nonmonetary expenditure, the fair market value of the expenditure; and
    - h. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.
  2.
    - a. For all single contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.

- b. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.
  - c. Individual donors who contribute an aggregate of two hundred dollars or more over the duration of all three election cycles to a single candidate shall disclose, and candidates shall report, with the contribution, their occupation and employer. Donors shall continue to disclose their occupation and employer with every subsequent contribution made to a single candidate upon reaching the two hundred dollars aggregate, and candidates shall continue to report same.
3. In preparing the report, all receipts and expenditures shall be reported as of December 31st of the previous year.
- C. 1. As used in this Subsection C, "account" means an account in a financial institution:
- a. That is not described in the above Subsection B; and
  - b. Into which or from which a person who, as a candidate for an office, other than a public office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a public office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
2. Each public office candidate or officeholder with an account shall include on the summary report a contribution deposited in or an expenditure made from an account:
- a. Since the last financial report filed; or
  - b. That has not been reported under a statute or ordinance that governs the account.
- D. The summary report shall contain a paragraph signed by an authorized member of the county office candidate's, local school board office candidate's, or officeholder's personal campaign committee or by the county office candidate, local school board office candidate or officeholder certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been reported as of December 31st of previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.
- (Ord. No. 1767, § I, 4-29-2014; Ord. No. 1731, § II, 6-5-2012; Ord. 1575, § 5, 2005; Ord. 1573, § 2 (part), 2005; Ord. 1541, § 5, 2004; Ord. 1528, § 2 (part), 2004)

2.72A.204 - County office candidate, local school board office candidate and officeholder—Financial reporting requirements—Interim reports.

- A. Each county office candidate, local school board office candidate or officeholder shall file an interim report before five p.m. on the following days in any year in which the candidate or officeholder has filed a declaration of candidacy for a public office for that year:
1. For the period ending March 31st, the report shall be due April 5th;
  2. For the period ending eight days before the primary election, the report shall be due seven days before the primary election date;
  3. For the period ending September 10th, the report shall be due September 15th; and
  4. For the period ending eight days before the regular general election, the report shall be due seven days before the regular general election date.
- B. Each interim report shall include the following information:
1. The net balance of the last summary report, if any;
  2. A single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  3. A single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  4. A detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
  5. For each nonmonetary contribution, the fair market value of the contribution;
  6. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  7. For each nonmonetary expenditure, the fair market value of the expenditure;
  8. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and
  9. A summary page in the form required by the county clerk that identifies:
    - a. Beginning balance;
    - b. Total contributions during the period since the last statement;
    - c. Total contributions to date;
    - d. Total expenditures during the period since the last statement; and
    - e. Total expenditures to date.

C. 1.

For all individual contributions of fifty dollars or less, a single aggregate figure may be reported without separate detailed listings.

2. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.
  3. Individual donors who contribute an aggregate of two hundred dollars or more over the duration of all three election cycles to a single candidate shall disclose, and candidates shall report, with the contribution, their occupation and employer. Donors shall continue to disclose their occupation and employer with every subsequent contribution made to a single candidate upon reaching the two hundred dollars aggregate, and candidates shall continue to report same.
- D. 1. As used in this Subsection D, "account" means an account in a financial institution:
- a. That is not described in the above Subsection B; and
  - b. Into which or from which a person who, as a candidate for an office, other than a public office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a public office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
2. Each county office candidate, local school board office candidate or officeholder with an account shall include on the interim report a contribution deposited in or an expenditure made from an account:
    - a. Since the last financial report filed; or
    - b. That has not been reported under a statute or ordinance that, governs the account
- (Ord. No. 1767, § I, 4-29-2014; Ord. No. 1731, § II, 6-5-2012; Ord. 1575, § 6, 2005; Ord. 1573, § 2 (part), 2005; Ord. 1541, § 6, 2004; Ord. 1528, § 2 (part), 2004)

#### 2.72A.204.5 - Small budget campaigns.

- A. A county candidate, local school board office candidate, officeholder or their respective personal campaign committee, which expects neither the aggregate contributions to be received, nor the aggregate expenditures to be made, by or on behalf of the county candidate, local school board office candidate, officeholder or their respective committee, to exceed two thousand dollars total amount during the calendar year may file, with the county clerk, a certificate to that effect. The certificate must be filed with the county clerk before five p.m. on April 5th. Entities which choose to

file a certificate and which do not exceed the two thousand dollar limit need only file with the county clerk verified financial statements before five p.m. seven days prior to the regular general election, and before five p.m. on January 31st following the general election.

- B. At any time following the filing of a certificate with the clerk, if either the aggregate contributions or aggregate expenditures exceed two thousand dollars the entity shall, within seven days after exceeding the two thousand dollar limit, file a verified financial statement which shall reflect all contributions received and expenditures made by or on behalf of the candidate or personal committee to that date.
- C. Upon exceeding the two thousand dollar limit, the personal campaign committee shall follow the normal reporting procedures set out in this chapter.
- D. 1. As used in this Subsection D, "account" means an account in a financial institution:
  - a. That is not described in the above Subsections; and
  - b. Into which or from which a person who, as a candidate for an office, other than a public office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a public office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- 2. Each county office candidate, local school board office candidate or officeholder with an account shall include with the verified financial statements a contribution deposited in or an expenditure made from an account:
  - a. Since the last financial report filed; or
  - b. That has not been reported under a statute or ordinance that governs the account.

(Ord. No. 1767, § I, 4-29-2014; Ord. No. 1731, § II, 6-5-2012; Ord. 1573, § 2 (part), 2005; Ord. 1541, § 7, 2004; Ord. 1528, § 2 (part), 2004)

#### 2.72A.205 - County office candidate and local school board office candidate—Financial reporting requirements—Termination of duty to report.

- A. Each county office candidate, local school board office candidate, officeholder and their respective personal campaign committees are considered active and subject to interim reporting requirements until the candidate withdraws or is eliminated in a convention, primary, or general election or the officeholder files a statement of dissolution with the county clerk.
- B.



Each county office candidate, local school board office candidate, officeholder and their respective personal campaign committees are considered active and subject to year-end summary reporting requirements until the candidate or officeholder has filed a statement of dissolution with the county clerk stating that:

1. The county office candidate, local school board office candidate, officeholder or their respective personal campaign committee is no longer receiving contributions and is no longer making expenditures;
  2. The ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 2.72A.201 is zero, with copies of all campaign account bank statements received since the last year-end summary or other financial report; and
  3. A final summary report in the form required by Section 2.72A.203 showing a zero balance is attached to the statement of dissolution.
- C. Each political action committee and political issues committee is considered active and subject to year-end summary reporting requirements until the political action committee or political issues committee has filed a statement of dissolution with the county clerk stating that:
1. The political action committee or political issues committee is no longer receiving contributions and is no longer making expenditures; and
  2. A final summary report in the form required by Section 2.72A.203 showing a zero balance is attached to the statement of dissolution.
- D. A statement of dissolution and a final summary report may be filed at any time.
- E. Each county office candidate, officeholder and their respective personal campaign committee shall continue to file the year-end summary report required by Section 2.72A.203 until the statement of dissolution and final summary report required by this section are filed with the county clerk.

(Ord. No. 1767, § 1, 4-29-2014; Ord. 1541 § 8, 2004; Ord. 1528 § 2 (part), 2004)

2.72A.206 - County office candidate, local school board office candidate and officeholder—Failure to file reports—Notice by county clerk—Penalties—Limitation of action.

- A. Within five days after a deadline for the filing of an interim report and within thirty days after the deadline for filing a summary report, the county clerk shall review each filed report to ensure that:
1. Each county office candidate, local school board office candidate, and officeholder that is required to file an interim report or summary report has filed one; and
  2. Each interim report or summary report contains the information required by this part.

- B. 1. If a county office candidate or local school board office candidate fails to timely file an interim report due immediately before the regular primary election, September 15th, or immediately before the *regular general election*, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:
- Shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or
  - Shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
  - May not count any votes for that candidate.
2. Any county office candidate or local school board office candidate who fails to file timely a financial statement required by this part is disqualified.
3. Notwithstanding subsections (B)(1) and (B)(2), a county office candidate or local school board office candidate is not disqualified if:
- The candidate timely files the reports required by this section;
  - Those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
  - Those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- C. 1. Upon review of the county clerk, if it appears that any county office candidate, local school board office candidate or officeholder has failed to file an interim report or the summary report required by law, if it appears that a filed interim report or summary report does not conform to the law, if the report contains obvious material omissions, errors, or inaccuracies, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any summary report, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify by registered mail or personal service, the county office candidate, local school board office candidate or officeholder of the violation or written complaint and direct the county office candidate, local school board office candidate or officeholder to file an interim report or summary report correcting the problem.
2. It is unlawful for any county office candidate, local school board office candidate or officeholder to fail to file or amend an interim report or summary report within fourteen days after receiving notice from the county clerk under this section.
-

If a candidate or officeholder's failure to file a report results from inadvertence or neglect the candidate or officeholder is guilty of an infraction.

- b. If a candidate or officeholder files a report later than fourteen days after receiving notice from the county clerk or if a candidate or officeholder files a report that includes inadvertent omissions or insignificant errors or inaccuracies, and those errors or inaccuracies are not corrected in the candidate or officeholder's next report, the candidate or officeholder is guilty of an infraction.
- c. If a candidate or officeholder knowingly and intentionally violates any reporting requirement by failure to file a report or knowingly and intentionally filing a false report, the candidate or officeholder is guilty of a Class B misdemeanor.

- D. Any officeholder convicted of a misdemeanor under subsection (C)(2) of this section shall be subject to removal from office by judicial proceedings, as provided in Section 77-6-1, et seq., Utah Code Annotated (as amended).
- E. If a fourteen-day notice has been given by the clerk, any prosecution must be initiated within one year after expiration of that notice.

(Ord. No. 1767, § 1, 4-29-2014; Ord. 1575 § 7, 2005: Ord. 1573 § 2 (part), 2005: Ord. 1541 § 9, 2004: Ord. 1528 § 2 (part), 2004)

#### 2.72A.601 - Political action committees—Registration.

- A. Each political action committee shall file a statement of organization with the county clerk's office no later than seven days after:
  - 1. Receiving contributions totaling at least seven hundred fifty dollars in any calendar year; or
  - 2. Distributing expenditures for political purposes totaling at least seven hundred fifty dollars in any calendar year.
- B. The statement of organization shall include:
  - 1. The name and address of the political action committee;
  - 2. The name, address, occupation and title of each officer;
  - 3. The name and address of the organization, individual corporation, association, unit of government, or union that the political action committee represents, if any;
  - 4. The name and address of all affiliated or connected organizations and their relationships to the political action committee;
  - 5.

The name, address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and

6. The name, address, and occupation of each member of the governing board, if any.
- C.
  1. Any registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the county clerk's office.
  2. Any notice of dissolution filed by a political action committee does not exempt that political action committee from complying with the financial reporting requirements of this chapter.
- D. Political action committees are not required to file under this section if a statement of organization is filed with the state in accordance with state law.

(Ord. 1528 § 2 (part), 2004)

2.72A.602 - Political action committees—Financial reporting.

- A.
  1. Each registered political action committee that has received contributions or made expenditures that total at least seven hundred fifty dollars during a calendar year shall file a verified financial statement with the county clerk's office on the following dates:
    - a. January 31st reporting contributions and expenditures as of December 31st of the previous year;
    - b. For the period ending March 31st, the report shall be due April 5th;
    - c. For the period ending eight days before the primary election date, the report shall be due seven days preceding the primary election date;
    - d. For the period ending September 10th, the report shall be due September 15th; and
    - e. For the period ending eight days before the regular general election, the report shall be due seven days preceding the regular general election.
  2. The registered political action committee shall report a detailed listing of all contributions received and expenditures made since the last statement.
  3. The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
- B.
  1. The verified financial statement shall include:
    - a. The name and address of any individual that makes a contribution to the reporting political action committee, and the amount of the contribution;
    - b. The identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, and the amount of the contribution;

- c. The name and address of any political action committee, group, or entity that makes a contribution to the reporting political action committee, and the amount of the contribution;
  - d. For each nonmonetary contribution, the fair market value of the contribution;
  - e. The name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;
  - f. For each nonmonetary expenditure, the fair market value of the expenditure;
  - g. The total amount of contributions received and expenditures disbursed by the reporting political action committee;
  - h. A paragraph signed by the political action committee's treasurer or chief financial officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and
  - i. A summary page in the form required by the county clerk that identifies:
    - i. Beginning balance;
    - ii. Total contributions during the period since the last statement;
    - iii. Total contributions to date;
    - iv. Total expenditures during the period since the last statement; and
    - v. Total expenditures to date.
2.
    - a. Contributions received by a political action committee that have a value of fifty dollars or less need not be reported individually, but shall be listed on the report as an aggregate total.
    - b. Two or more contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.
- C. Political action committees are not required to file under this section if reports are filed with the state in accordance with state law.

(Ord. 1573 § 2 (part), 2005; Ord. 1528 § 2 (part), 2004)

2.72A.603 - Political action committee—Failure to file reports—Notice by county clerk—Penalties—Limitation of action.

- A. Within five days after a deadline for the filing of a financial statement or statement of organization, the county clerk shall review each filing to ensure that:
  1. Each political action committee that is required to file a financial statement or statement of organization has filed one; and
  2. Each filing contains the information required by this part.



- B. 1. Upon review of the county clerk, if it appears that any political action committee has failed to file a financial statement or statement of organization required by law, if it appears that a filing does not conform to the law, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any filing, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify the political action committee of the violation or written complaint and direct the political action committee to file financial statement or statement of organization correcting the problem.
2. It is unlawful for any political action committee to fail to file or amend a financial statement or statement of organization within fourteen days after receiving notice from the county clerk under this section.
- C. Each political action committee which violates subsection (B)(2) is guilty of an infraction, with the following exceptions:
1. A political action committee does not violate subsection (B)(2) if:
- a. The political action committee files the financial statements or statement of organization required by this section prior to the expiration of the fourteen days notice set forth in subsection (B)(2);
  - b. Those filings are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
  - c. Those omissions, errors, or inaccuracies are corrected in an amended filing or in the next scheduled filing; or
2. The failure to comply with subsection (B)(2) results from inadvertence or negligence or is otherwise not an intentional violation.
- D. The county clerk shall report all violations of subsection (B)(2) to the district attorney.
- E. No action under subsection (C) can be brought after one year from the expiration of the fourteen-day period set forth in subsection (B)(2). In no event shall any action under this subsection be initiated later than four years after the financial statement or statement of organization was due under this chapter.

(Ord. 1528 § 2 (part), 2004)

## 2.72A.801 - Political issues committees—Registration.

- A. Each political issues committee shall file a statement of organization with the county clerk's office no later than seven days after receiving political issues contributions totaling at least seven hundred fifty dollars or disbursing political issues expenditures totaling at least fifty dollars in any calendar year.
- B. The statement of organization shall include:
  - 1. The name and address of the political issues committee;
  - 2. The name, address, occupation, and title of each officer;
  - 3. The name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;
  - 4. The name and address of all affiliated or connected organizations and their relationships to the political issues committee;
  - 5. The name, address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;
  - 6. The name, address, and occupation of each member of the supervisory board, if any; and
  - 7. The ballot proposition whose outcome they wish to affect, and whether they support or oppose it.
- C.
  - 1. Any registered political issues committee that intends to permanently cease operations during a calendar year shall file a notice of dissolution with the county clerk's office.
  - 2. Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter.
- D. Political issues committees are not required to file under this section if a statement of organization is filed with the state in accordance with state law.

(Ord. 1528 § 2 (part), 2004)

#### 2.72A.802 - Political issues committees—Financial reporting.

- A.
  - 1. Each registered political issues committee that has received political issues contributions totaling at least seven hundred fifty dollars or disbursed political issues expenditures totaling at least fifty dollars during a calendar year on current or proposed countywide ballot propositions, to influence an incorporation petition or an incorporation election, or on initiative petitions to be submitted to the county council, shall file a verified financial statement with the county clerk's office on the following dates:
    - a.

On January 31st, reporting contributions and expenditures as of December 31st of the previous year;

- b. For the period ending eight days before the date of an incorporation election, the report shall be due seven days preceding the incorporation election if the political issues committee has received donations or made expenditures to affect an incorporation;
- c. For the period ending March 31st, the report shall be due April 5th;
- d. June 15th;
- e. At least three days before the first public hearing held on any initiative;
- f. At the time the sponsors submit the verified and certified initiative packets to the county clerk;
- g. For the period ending September 10th, the report shall be due September 15th; and
- h. For the period ending eight days before the regular general election, the report shall be due seven days preceding the general election date.

2. The political issues committee shall report a detailed listing of all contributions received and expenditures made since the last statement.

3. The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

B. 1. That statement shall include:

- a. The name and address of any individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- b. The identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- c. The name and address of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- d. The name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
- e. For each nonmonetary contribution, the fair market value of the contribution;
- f. Except as provided in subsection (B)(3), the name and address of each individual, entity or group of individuals or entities that received a political issues expenditure of more than fifty dollars from the reporting political issues committee, and the amount of each political issues

expenditure;

- g. For each nonmonetary expenditure, the fair market value of the expenditure;
  - h. The total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;
  - i. A paragraph signed by the political issues committee's treasurer or chief financial officer verifying that, to the best of the signer's knowledge, the financial statement is accurate; and
  - j. A summary page in the form required by the county clerk that identifies:
    - i. Beginning balance;
    - ii. Total contributions during the period since the last statement;
    - iii. Total contributions to date;
    - iv. Total expenditures during the period since the last statement; and
    - v. Total expenditures to date.
2. a. Political issues contributions received by a political issues committee that have a value of fifty dollars or less need not be reported individually, but shall be listed on the report as an aggregate total.
- b. Two or more political issues contributions from the same source that have an aggregate total of more than fifty dollars may not be reported in the aggregate, but shall be reported separately.
3. When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:
- a. Need only report the amount paid to each initiative petition circulator; and
  - b. Need not report the name or address of the circulator.
4. Political issues committees are not required to file under this section if reports are filed with the state in accordance with state law.

(Ord. 1573 § 2 (part), 2005; Ord. 1528 § 2 (part), 2004)

2.72A.803 - Political issue committee—Failure to file reports—Notice by county clerk—Penalties—Limitation of action.

- A. Within five days after a deadline for the filing of a financial statement or statement of organization, the county clerk shall review each filing to ensure that:

1.

Each political issues committee that is required to file a financial statement or statement of organization has filed one; and

2. Each filing contains the information required by this part.
- B. 1. Upon review of the county clerk, if it appears that any political issues committee has failed to file a financial statement or statement of organization required by law, if it appears that a filing does not conform to the law, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any filing, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file financial statement or statement of organization correcting the problem.
2. It is unlawful for any political issues committee to fail to file or amend a financial statement or statement of organization within fourteen days after receiving notice from the county clerk under this section.
- C. Each political issues committee which violates subsection (B)(2) is guilty of an infraction, with the following exceptions:
1. A political issues committee does not violate subsection (B)(2) if:
    - a. The political issues committee files the financial statements or statement of organization required by this section prior to the expiration of the fourteen days notice set forth in subsection (B)(2);
    - b. Those filings are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
    - c. Those omissions, errors, or inaccuracies are corrected in an amended filing or in the next scheduled filing; or
    - d. The failure to comply with subsection (B)(2) results from inadvertence or negligence or is otherwise not an intentional violation.
- D. The county clerk shall report all violations of subsection (B)(2) to the district attorney.
- E. No action under subsection (C) can be brought after one year from the expiration of the fourteen day period set forth in subsection (B)(2). In no event shall any action under this subsection be initiated later than four years after the financial statement or statement of organization was due under this chapter.

(Ord. 1528 § 2 (part), 2004)

2.72A.1001 - Blanks for statements prepared and furnished by chief election officer.

The chief election officer shall:

- A. Develop and prepare forms for all statements required by this chapter; and
- B. Provide copies of the forms to the secretary of every committee, to every candidate, and to all others who request them.

(Ord. 1528 § 2 (part), 2004)

2.72A.1002 - Retention and public inspection of financial statements—Written complaint if statement is false or unlawful.

A. The chief election officer shall:

- 1. Make each financial statement and statement of organization required by this chapter:
  - a. Open to public inspection in the office of the chief election officer; and
  - b. When an internet accessible system has been established by the county clerk, make such documents available for viewing on the Internet at the county clerk's website within seven calendar days after the report is received by the chief election officer, except that the county clerk shall exclude home addresses and other personal information from being viewed on the internet;
- 2. Preserve those statements for at least five years; and
- 3. Provide certified copies of the financial statements in the same manner as for other public records.

B. Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth

(Ord. 1528 § 2 (part), 2004)

## **Chapter 2.46**

# **CAMPAIGN FINANCING DISCLOSURE**

### **2.46.010: DEFINITIONS:**

For the purpose of this chapter the following words shall have the meanings as defined in this chapter:

**BUMPER STICKER:** A sign not exceeding four inches (4") in height or thirteen inches (13") in length affixed to any part (including the interior) of a motor vehicle.

**CANDIDATE:** Any person who:

- A. Files a declaration of candidacy for an elected office of the city;
- B. Receives contributions, makes expenditures, or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or
- C. Causes, on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates his or her intention to seek such office.

**CONTRIBUTION:** A. A gift, subscription, donation, loan, advance, or deposit of money or anything of value, including nonmonetary contributions such as in-kind contributions and contributions of tangible things, except a loan of money by a financial institution made in accordance with the applicable financial institution laws and regulations and in the ordinary course of business, made for political purposes;

- B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution described in subsection A of this definition;
- C. A transfer of funds between a political committee and a candidate's personal campaign committee;
- D. Compensation paid by a person other than the candidate's personal campaign committee for personal services of another person rendered without charge to the candidate or such

candidate's personal campaign committee;

E. A coordinated expenditure; but

F. "Contribution" shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.

**CONTRIBUTION ACCOUNT:** A separate bank account of a hybrid committee existing for the purpose of financing contributions.

**COORDINATED EXPENDITURE:** Except as provided in the next sentence, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her personal campaign committee, or their agents. Coordinated expenditures include, but are not limited to, coordinated advertising on billboards and on taxicabs or other ground transportation vehicles as defined in section 5.71.010 of this code, but do not include a lawn sign, a sign on residential property, a bumper sticker, a handheld sign, a sign on the body of a person, a sign on a motor vehicle other than a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, or a sign in a part of a building that is not normally used for commercial advertising by a third party. An in-kind coordinated expenditure shall be valued at the usual and normal value of such expenditure, such as the value of the use of the advertising space on a billboard or "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code. In the case of a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, if a sign is located in a space that is not usually or normally used for advertising, the sign shall be treated as if it were rooftop advertising on a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, and its value shall be determined in the same manner that the value of such rooftop advertising is determined.

**ELECTION:** A general, special or primary election conducted by the city, including elections limited to referendums or bond issues.

**ELECTION CYCLE:** A. With respect to a general city election or a city primary election for an elective position, the four (4) year period that ends on the February 15 immediately following the next general city election for such elective position; and

B. With respect to an election to fill an unexpired term of office, the period that begins on the earlier of: 1) the day the vacancy occurs, or 2) the day the impending vacancy is publicly announced, and ends on the February 15 immediately following the next general city election for such elective position.

**ELECTION YEAR:** A calendar year during which a primary or general election is held or is scheduled to be held.



**EXPENDITURE:** A. A purchase, payment, donation, distribution, loan, advance, deposit, or gift of money or anything of value made for political purposes;

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make an expenditure described in subsection A of this definition; or

C. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee.

**HYBRID POLITICAL COMMITTEE:** An entity or group of persons that represents in writing to the city recorder that it: a) maintains a noncontribution account, b) maintains a contribution account, c) makes contributions only from its contribution account, and d) allocates its administrative expenses between the noncontribution account and the contribution account in a manner that closely corresponds to the percentage of activity for each account.

**INDEPENDENT EXPENDITURE:** An expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate or the candidate's personal campaign committee, or their agents, and when such expenditure is made without the prior consent or the collusion or cooperation of, and not at the request or suggestion of, the candidate or the candidate's personal campaign committee or their agents.

**INDEPENDENT EXPENDITURES COMMITTEE:** A person or entity that represents to the city recorder that it exists for the exclusive purpose of making independent expenditures and that it does not and will not make contributions, directly or indirectly, to a candidate or a personal campaign committee.

**ISSUE:** Any question other than the election of a candidate to city office placed upon any municipal ballot to be affirmed or defeated by popular vote including, but not limited to, bond issues and referendums.

**NONCONTRIBUTION ACCOUNT:** A separate bank account of a hybrid committee existing for the exclusive purpose of financing or making independent expenditures.

**PARTY COMMITTEE:** Any committee organized by or authorized by the governing body of a registered political party.

**PERSON:** Both natural and legal persons including, but not limited to, individuals, business organizations, personal campaign committees, political committees, party committees, labor unions, labor organizations and any other organized group of individuals.

**PERSONAL CAMPAIGN COMMITTEE:** The committee appointed by a particular candidate to act for such candidate as hereinafter provided.

**POLITICAL COMMITTEE:** A group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of donations to a personal campaign committee. "Political committee" does not mean an individual, a personal campaign committee, an independent expenditures committee, a hybrid political committee with respect to its noncontribution account,

individuals who are related and who make contributions from a joint checking account, an entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public, or a business entity using its own funds, except a business entity whose intended purpose is to act as a political committee.

**POLITICAL PURPOSE:** An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the nomination or election of a candidate or the passage or defeat of any issue on the ballot at a municipal election.

**PRIMARY ELECTION:** Any primary election held pursuant to title 20A, Utah Code Annotated, or its successor.

**REPORTING DATE:** A. Ten (10) days before the election, for a campaign finance statement required to be filed not later than seven (7) days before a primary or general election conducted by the city;

B. The day of filing, for a campaign finance statement required to be filed not later than thirty (30) days after a primary or general election conducted by the city; and

C. Three (3) days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter. (Ord. 68-15, 2015)

## **2.46.020: PERSONAL CAMPAIGN COMMITTEE REQUIRED:**

A candidate shall appoint a personal campaign committee consisting of one or more persons; or such candidate alone may constitute such a committee. No candidate shall appoint more than one personal campaign committee and no candidate shall solicit or receive contributions or authorize expenditures in furtherance of his or her candidacy except through such candidate's personal campaign committee. Each personal campaign committee shall appoint a secretary. If the personal campaign committee consists of only one person, such person is deemed the secretary. If the candidate acts as the personal campaign committee, the candidate is deemed the secretary. (Ord. 77-98 § 1, 1998)

## **2.46.030: REGISTRATION WITH CITY RECORDER:**

Before a personal campaign committee or a political committee solicits or receives its first contribution, or makes its first expenditure, such committee shall file a written statement with the city recorder, which filing shall constitute registration with the city by such candidate or committee:

A. The written statement of a personal campaign committee shall be personally signed by the candidate and shall set forth:

1. That the personal campaign committee is appointed; and
2. The name and address of each member of such committee and of its secretary.

B. The written statement of a political committee shall be signed by the chairperson of such committee, shall state that committee exists, and shall list the names and addresses of its officers. (Ord. 15-07 § 2, 2007; Ord. 1-01 § 2, 2001; Ord. 77-98 § 1, 1998)

## **2.46.040: CHANGES IN OR WITHDRAWAL FROM A PERSONAL CAMPAIGN COMMITTEE:**

A. Any candidate may revoke the selection of any member of such candidate's personal campaign committee by: 1) revoking that person's appointment in writing; 2) personally serving the written revocation on the person whose appointment is revoked; and 3) filing a copy of the written revocation with the city recorder.

B. Any individual may voluntarily withdraw from a personal campaign committee by filing a written notice of withdrawal with the city recorder. The date of withdrawal is the date the notice is received by the city recorder.

C. A candidate may select a replacement to fill any vacancy on the candidate's personal campaign committee. In the case of a vacancy in the office of secretary of a personal campaign committee, the candidate shall be deemed the secretary until a replacement secretary is appointed.

D. A candidate may appoint additional persons to the personal campaign committee. The candidate shall file with the city recorder a written notice containing the name and address of any additional or replacement members of the personal campaign committee. (Ord. 77-98 § 1, 1998)

**2.46.050: CONTRIBUTIONS TO CANDIDATES; LIMITATIONS:**

- A. No person shall make contributions in coin or currency during any election cycle, as set forth in this chapter, to any candidate or such candidate's personal campaign committee, or to any political committee with respect to any election for city office, that exceed, in the aggregate, fifty dollars (\$50.00).
- B. No person shall make contributions during any election cycle, as set forth in this chapter, to any candidate or his or her personal campaign committee, or to any political committee with respect to any election for city office, that, in the aggregate, exceed the following amounts:

Office	Amount
Mayor	\$3,500 .00
City council	750 .00

At the beginning of each election cycle, the city recorder shall adjust to the nearest ten dollars (\$10.00) the amounts in this subsection B by the percentage change in the consumer price index since the beginning of the previous election cycle and post the new amounts on the city's website. For purposes of this subsection, "consumer price index" means the consumer price index for all urban consumers, United States city average, that is published by the United States department of labor, bureau of labor statistics.

- C. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or a personal campaign committee or a political committee shall be transmitted to the city treasurer for deposit in the general fund of the city. Each contributor of a contribution shall disclose to the personal campaign committee or political committee the name and address of such contributor.
- D. The limitations imposed by subsections A through C of this section shall not apply to contributions by a candidate of the candidate's own resources to the candidate's own campaign.

- E. Each candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution and may not deposit or mingle any contributions received into a personal or business account.
- F. The candidate or the candidate's personal campaign committee may use the monies in campaign accounts only as follows:
1. For political purposes;
  2. For expenses incurred in connection with duties of the individual as a holder of a city office;
  3. For contributions to an organization described in section 170(c) of the internal revenue code of 1986 (26 USCS section 170(c));
  4. For transfers to a national, state, or local committee of a political party;
  5. For donations to federal, state, or local candidates; or
  6. For any other lawful purpose unless prohibited by subsection G of this section.
- G. A contribution shall not be converted by any person to personal use. For purposes of this subsection, a contribution or donation shall be considered to be converted to personal use if the contribution or donation is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or the individual's duties as an elected official of the city. For purposes of this subsection, it shall not be considered a conversion to personal use for a candidate or elected official of the city to use a contribution or donation to pay for the attendance of one guest at a social, entertainment, or other event related to political purposes or to the duties of the person as an elected official of the city.
- H. It shall be unlawful for any person:
1. Who enters into any contract or seeks to enter into any contract with the city either for the rendition of personal services or furnishing any material, supplies, or equipment to the city or for selling any land or building to the city, if payment for the performance of the contract is to be made in whole or in part from city funds, at any time between the commencement of negotiations for the contract and the later of: a) the completion of performance under the contract, or b) the termination of negotiations for the contract, directly or indirectly to make any contribution to a candidate or personal campaign committee; or
  2. Knowingly to solicit a contribution from any such person during any such period. (Ord. 68-15, 2015)

## **2.46.060: RESPONSIBILITY FOR POLITICAL COMMUNICATIONS REQUIRED:**

Every advertisement or communication made for a political purpose which is broadcast or published by means of television, radio, newspaper, billboards, direct mailings, automatic telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter shall contain a disclosure of the name of the personal campaign committee or political committee responsible for its broadcast or publication. (Ord. 15-07 § 3, 2007: Ord. 77-98 § 1, 1998)

## **2.46.070: CONTRIBUTIONS IN THE NAME OF ANOTHER PROHIBITED:**

No person shall make a contribution in the name of another person or make a contribution with another person's funds in his or her own name, and no personal campaign committee or political committee shall knowingly accept any such contribution. (Ord. 15-07 § 4, 2007: Ord. 77-98 § 1, 1998)

## **2.46.080: VOLUNTARY LIMITATION ON CONTRIBUTIONS AND EXPENDITURES:**

A. Declaration To Limit: A candidate may sign a written declaration pursuant to which the candidate agrees: 1) not to make contributions during the current election cycle to his or her own personal campaign committee in an amount exceeding, in the aggregate, three thousand dollars (\$3,000.00), in the case of candidates for the city council, and seventy five thousand dollars (\$75,000.00), in the case of candidates for mayor; and 2) to limit total campaign expenditures during the current election cycle by his or her personal campaign committee to an amount not exceeding, in the aggregate, fifteen thousand dollars (\$15,000.00), in the case of candidates for the city council, and three hundred seventy five thousand dollars (\$375,000.00), in the case of candidates for mayor. Except as provided in subsection B of this section, the city recorder shall require that each candidate either make such a declaration or sign a written statement declining to make such declaration, on the earliest of the following: 1) the day the candidate establishes a personal campaign committee pursuant to section 2.46.030 of this chapter; or 2) the day the candidate files a declaration of candidacy with the city. Except as provided in the next sentence, declarations by candidates shall be deemed terminated on the February 15 next following the general election. If, before the effective date of this amendment, a candidate entered into a contract with the city to limit campaign contributions and expenditures, such contract shall be deemed terminated on the effective date hereof.

- B. Existing Committees: With respect to any personal campaign committee which exists prior to the effective date hereof, on February 15, 2001, the city recorder shall require the candidate for whom such committee exists to either make the declaration described in subsection A of this section or sign a written statement declining to make such a declaration.
- C. Declaration Following Election: On the February 15 following any general election conducted by the city, any candidate for elective office at such general election or at the primary election preceding such general election, whose personal campaign committee has not been terminated before such date, shall notify the city recorder in writing whether or not such committee shall remain in existence after that date. Any candidate whose personal campaign committee shall remain in existence after that date shall, on such February 15, either make the written declaration described in subsection A of this section, or sign a written statement declining to make such a declaration.
- D. Form Of Declaration: The city, with the approval of the city attorney, shall prepare a form of declaration, containing in substance the requirements set forth in subsection A of this section, for use by candidates and the city in complying with this section.
- E. Reversal Of Decision:
1. If a candidate for an office has made the declaration described in subsection A of this section, and thereafter another candidate for the same office declines to make such a declaration, the candidate may, within fifteen (15) days after the city recorder provides public notice of such other candidate's decision not to make a declaration, void his or her declaration.
  2. If a candidate has made the declaration described in subsection A of this section, and thereafter such candidate determines that a person is making independent expenditures in opposition to the candidate's candidacy, the candidate may, at any time after making such determination, by a written document provided to the city recorder, void his or her declaration.
  3. If a candidate for an office has declined to make the declaration described in subsection A of this section, and thereafter another candidate for the same office makes such a declaration, within fifteen (15) days after the city recorder provides public notice of such other candidate's declaration the candidate may, unless he or she has already exceeded the contribution or expenditure limit, make such a declaration.
- F. Publicity By City: Within forty eight (48) hours after any candidate either makes a declaration or signs a written statement declining to make such a declaration pursuant to subsection A of this section, the city recorder shall make available to the public a report stating whether or not such candidate made such a declaration. The city recorder shall also promptly make available to the

public: 1) any reversal of a declaration to exceed or not to exceed the contribution or expenditure limits set forth in subsection A of this section, other than a reversal pursuant to subsection E1 of this section; and 2) any violation of a declaration entered into pursuant to subsection A of this section. (Ord. 1-01 § 2, 2001; Ord. 77-98 § 1, 1998)

## **2.46.090: FINANCIAL REPORTING:**

### **A. Personal Campaign Committees:**

1. Each personal campaign committee shall file with the city recorder a campaign finance statement containing the information required in this section, on the following dates:
  - a. July 1 of any election year;
  - b. Except as provided in subsection A2 of this section, no later than seven (7) days before the date of any municipal general or primary election;
  - c. Except as provided in subsection A2 of this section, no later than thirty (30) days after the date of the municipal general election; and
  - d. On February 15 of every year unless a termination report has been filed with the city recorder as provided by subsection A8 of this section or its successor subsection.

Notwithstanding the foregoing provisions of this subsection A1, the personal campaign committee for a candidate shall be required to file a campaign finance statement on the dates specified in subsections A1a, A1b, and A1c of this section only during an election year in which the elective office that such candidate seeks is open for election.

2. The personal campaign committee for each candidate who is eliminated at a primary election shall file with the city recorder a campaign finance statement no later than thirty (30) days after the date of the primary election. Personal campaign committees for candidates who lose at a primary election need not file a campaign finance statement seven (7) days before the general election pursuant to subsection A1b of this section or thirty (30) days after the general election pursuant to subsection A1c of this section.
3. During the seven (7) day period before any election, each personal campaign committee shall file with the city recorder a verified report of each contribution over five hundred dollars (\$500.00) within twenty four (24) hours after receipt of each such contribution. Such report shall contain the information required by subsection A4b(2)(A) of this section.
4. Each campaign finance statement shall:
  - a. Contain a summary of contributions and expenditures reported in previously filed campaign finance statements during the calendar year in which the statement is due;



b. Except as provided in subsection A4c of this section:

(1) Report all of the committee's or candidate's itemized and total:

(A) Contributions during the election cycle received before the close of the reporting date;  
and

(B) Expenditures during the election cycle made through the close of the reporting date;  
and

(2) Identify:

(A) For each contribution in excess of fifty dollars (\$50.00), the amount of the contribution, the name and address of the donor, and the date the contribution was made;

(B) The aggregate total of all contributions that individually do not exceed fifty dollars (\$50.00); and

(C) For each expenditure, the amount of the expenditure, the name of the recipient of the expenditure, the date the expenditure was made, and the purpose of the expenditure; or

c. Report the total amount of all contributions and expenditures if the committee or candidate receives five hundred dollars (\$500.00) or less in contributions and spends five hundred dollars (\$500.00) or less on the candidate's campaign.

5. Each campaign finance statement shall contain a statement by the secretary or by the chairperson of the committee to the effect that:

a. All contributions and expenditures not theretofore reported have been reported;

b. There are no bills or obligations outstanding and unpaid except as set forth in the campaign finance statement;

c. The campaign finance statement represents a good faith effort by the committee to comply with the provisions of this chapter; and

d. The information contained in the campaign finance statement is, to the best knowledge of the committee, true, accurate and complete.

6. In the event the personal campaign committee had no contributions or expenditures during the calendar year, the campaign finance statement shall state that no contributions were received and no expenditures were made during that calendar year.

7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a personal campaign committee shall file a campaign finance statement with the city recorder. The campaign finance statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify

any debt which was paid or compromised and the name and address of any person to whom any debt was paid or compromised.

8. In the event a personal campaign committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the personal campaign committee has permanently ceased operations.
9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.
10. With respect to contributions received and expenditures made before the effective date hereof, the first campaign finance statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the personal campaign committee that files such campaign finance statement.

#### B. Political Committees:

1. Each political committee that has received contributions or made expenditures that total at least seven hundred fifty dollars (\$750.00) during a calendar year shall file a verified financial statement with the city recorder on:
  - a. July 1 of any election year;
  - b. No later than seven (7) days before any municipal primary or general election; and
  - c. January 31, reporting contributions and expenditures as of December 31 of the previous year.
2. The political committee shall report:
  - a. A detailed listing of all contributions received and expenditures made since the filing of the last financial statement; and
  - b. For financial statements filed on July 1 and before the municipal general election, all contributions and expenditures as of three (3) days before the required filing date of the financial statement.
3. If the political committee had no contributions or expenditures since the filing of the last financial statement, the financial statement shall state that no contributions were received and no expenditures were made since the filing of the last financial statement.
4. The verified financial statement shall include:
  - a. The name and address of any individual that makes a contribution to the reporting political committee, and the amount of the contribution;
  - b. The identification of any publicly identified class of individuals that makes a contribution to

- the reporting political committee, and the amount of the contribution;
- c. The name and address of any political committee, group, or entity that makes a contribution to the reporting political committee, and the amount of the contribution;
  - d. The name and address of each candidate, personal campaign committee, party committee, or political committee that received an expenditure from the reporting political committee, and the amount of each expenditure;
  - e. The total amount of contributions received and expenditures disbursed by the reporting political committee;
  - f. A statement by the political committee's secretary or chairperson to the effect that:
    - (1) All contributions and expenditures not theretofore reported have been reported;
    - (2) There are no bills or obligations outstanding and unpaid except as set forth in the financial statement;
    - (3) The financial statement represents a good faith effort by the committee to comply with the provisions of this chapter; and
    - (4) The information contained in the financial statement is, to the best knowledge of the committee, true, accurate and complete; and
  - g. A summary page in the form required by the city recorder that identifies:
    - (1) Beginning balance;
    - (2) Total contributions during the period since the last financial statement;
    - (3) Total contributions to date;
    - (4) Total expenditures during the period since the last financial statement; and
    - (5) Total expenditures to date.
5. Contributions received by a political committee that have a value of fifty dollars (\$50.00) or less need not be reported individually, but shall be listed in the financial statement as an aggregate total.
6. Two (2) or more contributions from the same source that have an aggregate total of more than fifty dollars (\$50.00) may not be reported in the aggregate, but shall be reported separately.
7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a political committee shall file a verified financial statement with the city recorder. The financial statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify any debt that was paid or

compromised and the name and address of any person to whom any debt was paid or compromised.

8. In the event a political committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the political committee has permanently ceased operations.
9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.
10. With respect to contributions received and expenditures made before the effective date hereof, the first financial statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the political committee that files such financial statement.

C. Filing Time: A campaign finance statement or other report required under this chapter shall be considered filed if it is received by the city recorder or the recorder's office by five o'clock (5:00) P.M. on the date it is due. (Ord. 20-13, 2013)

## **2.46.100: FORMS OF STATEMENTS ON FILE WITH CITY RECORDER; AVAILABLE FOR PUBLIC INSPECTION; NOTICE FROM CITY RECORDER:**

- A. The city recorder shall prepare forms for all campaign finance and financial statements required by this chapter and shall furnish copies thereof, together with a copy of this chapter, to the secretary of every political committee or personal campaign committee, to every candidate, and to all others who make a request therefor.
- B. 1. At the time a candidate files a declaration of candidacy and again fourteen (14) days before each election, the city recorder shall inform the candidate in writing or, if requested by the reporting entity, by electronic mail:
  - a. Of the provision of this chapter governing the disclosure of campaign contributions and expenditures; and
  - b. The dates when the candidate's campaign finance statements are required to be filed.
  - c. That if the campaign finance statement due seven (7) days before the general election is not received in the city recorder's office by five o'clock (5:00) P.M. on the due date due, if practicable the candidate's name will be removed from the ballot by blocking out the

candidate's name before the ballots are delivered to the voters, or, if removing the candidate's name is not practicable, the voters will be informed that the candidate has been disqualified and that any votes cast for the candidate will not be counted.

- d. That if any campaign finance statement or verified financial statement is not filed when due, the entity or candidate may be guilty of an infraction.

C. All statements and reports required by this chapter shall be available for public inspection and copying at the office of the city recorder during normal business hours and no later than one business day after the statement or report is filed.

D. The city recorder shall inspect all campaign finance statements, verified financial statements, and reports within one day after the same are filed. In addition, the city recorder shall inspect any filed campaign finance statement, verified financial statement, or report within one day after receiving a complaint from a candidate or a voter that such campaign finance statement, verified financial statement, or report does not comply with this chapter. If it appears to the city recorder that any political committee or personal campaign committee has failed to file a campaign finance statement, verified financial statement, or report required by this chapter, or that a campaign finance statement, verified filed financial statement, or report does not comply with this chapter, the city recorder shall notify in writing the delinquent political committee or personal campaign committee, requesting compliance with this chapter. Such notification may be given by United States mail, hand delivery, facsimile transmission, or overnight delivery service. (Ord. 24-05 § 4, 2005: Ord. 1-01 § 2, 2000: Ord. 77-98 § 1, 1998)

## **2.46.110: FAILURE TO FILE FINANCIAL STATEMENTS:**

A. If a candidate or the candidate's personal campaign committee fails to file a campaign finance statement due seven (7) days before the municipal general election, the city recorder shall inform the appropriate election official who:

1. Shall:

- a. If practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
- b. If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

2. May not count any votes for that candidate.

- B. Notwithstanding subsection A of this section, a candidate who files a campaign finance statement seven (7) days before the municipal general election is not disqualified if:
1. The statement details accurately and completely the information required under subsection 2.46.090A4 of this chapter, except for inadvertent omissions or insignificant errors or inaccuracies; and
  2. The omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- C. If a political committee or personal campaign committee or person fails to file or correct a financial statement within two (2) days after receiving notice under subsection 2.46.100D of this chapter, or its successor, or if any filed financial statement or report discloses a violation of this chapter, the city recorder shall notify the city attorney and shall furnish the city attorney copies of all papers and other information in the city recorder's possession relating thereto. (Ord. 20-13, 2013: Ord. 56-05 § 4, 2005: Ord. 24-05 § 5, 2005: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

## **2.46.120: UNLAWFUL ACTS DESIGNATED; VIOLATION; PENALTY:**

- A. It shall be an infraction, punishable as provided by title 1, chapter 1.12 of this code, or its successor: 1) for any person to fail to file when due any required campaign finance statement, verified financial statement, or report specified in this chapter or to knowingly or wilfully falsify or omit any information required by any of the provisions of this chapter, or 2) for any candidate, either personally or through a personal campaign committee, to receive a contribution in violation of the limits set forth in subsections 2.46.050A and B of this chapter.
- B. The city recorder shall monitor compliance with this chapter, or its successor, and shall report any violations thereof to the mayor, the city council, and the city attorney.
- C. A private party in interest may bring a civil action in district court to enforce the provisions of this chapter. In accordance with section 10-3-208, Utah Code Annotated, in such a civil action, the court may award costs and attorney fees as to the prevailing party. (Ord. 24-05 § 6, 2005: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

## **2.46.130: FORM OF FILINGS; ELECTRONIC FILING AND RECORD STORAGE:**

Any filing of statements, reports or other information with the city pursuant to this chapter may be made either in written form on paper or by electronic media consistent with the city's electronic filing system. The city shall retain any filed statements, reports or other information pursuant to this chapter in accordance with its adopted retention schedule. (Ord. 24-05 § 7, 2005; Ord. 77-98 § 1, 1998)

## **2.46.140: COMPUTATION OF TIME:**

In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Except as otherwise provided in this section, Saturdays, Sundays, and legal holidays shall be included in the computation. (Ord. 20-13, 2013)



**Effective 5/10/2016**

**10-3-208 Campaign finance disclosure in municipal election.**

(1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:

(a) "Agent of a candidate" means:

- (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- (iii) the personal campaign committee of a candidate;
- (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or
- (v) a political consultant of a candidate.

(b) "Anonymous contribution limit" means for each calendar year:

- (i) \$50; or
- (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

(c)

(i) "Candidate" means a person who:

- (A) files a declaration of candidacy for municipal office; or
- (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a municipal office.

(ii) "Candidate" does not mean a person who files for the office of judge.

(d)

(i) "Contribution" means any of the following when done for political purposes:

- (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
- (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
- (C) any transfer of funds from another reporting entity to the candidate;
- (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
- (E) a loan made by a candidate deposited to the candidate's own campaign; and
- (F) an in-kind contribution.

(ii) "Contribution" does not include:

- (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
- (B) money lent to the candidate by a financial institution in the ordinary course of business; or
- (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.

(e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:

- (i) with the candidate's prior knowledge, if the candidate does not object;
- (ii) by agreement with the candidate;
- (iii) in coordination with the candidate; or
- (iv) using official logos, slogans, and similar elements belonging to a candidate.

(f)



- (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
  - (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a)(i);
  - (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
  - (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
  - (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
  - (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
  - (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
- (ii) "Expenditure" does not include:
  - (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
  - (B) money lent to a candidate by a financial institution in the ordinary course of business.
- (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
- (h)
  - (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
  - (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), where the person:
    - (A) has already been paid, with money or other consideration;
    - (B) expects to be paid in the future, with money or other consideration; or
    - (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
  - (i) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political convention, or election.
- (j) "Reporting entity" means:
  - (i) a candidate;
  - (ii) a committee appointed by a candidate to act for the candidate;
  - (iii) a person who holds an elected municipal office;
  - (iv) a party committee as defined in Section 20A-11-101;
  - (v) a political action committee as defined in Section 20A-11-101;
  - (vi) a political issues committee as defined in Section 20A-11-101;
  - (vii) a corporation as defined in Section 20A-11-101; or
  - (viii) a labor organization as defined in Section 20A-11-1501.
- (2)



- (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) and (4).
  - (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
  - (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) and (4).
- (3)
- (a) Each candidate:
    - (i) shall deposit a contribution in a separate campaign account in a financial institution; and
    - (ii) may not deposit or mingle any campaign contributions received into a personal or business account.
  - (b) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
  - (c) Each candidate who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:
    - (i) no later than seven days before the day on which the municipal general election is held; and
    - (ii) no later than 30 days after the day on which the municipal general election is held.
  - (d) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement 30 days after the day on which the municipal primary election is held.
- (4) Each campaign finance statement described in Subsection (3) shall:
- (a) except as provided in Subsection (4)(b):
    - (i) report all of the candidate's itemized and total:
      - (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
      - (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
    - (ii) identify:
      - (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
      - (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
  - (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
  - (c) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:
    - (i) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
    - (ii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (5)
- (a) A municipality may, by ordinance:
    - (i) provide an anonymous contribution limit less than \$50;



- (ii) require greater disclosure of contributions or expenditures than is required in this section; and
  - (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
- (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (5)(a) if:
  - (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
  - (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (6).
- (6) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:
  - (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
  - (b) the dates when the candidate's campaign finance statement is required to be filed; and
  - (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (7) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
  - (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
  - (b) make the campaign finance statement filed by a candidate available for public inspection by:
    - (i)
      - (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and
      - (B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
    - (ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.
- (8)
  - (a) If a candidate fails to timely file a campaign finance statement required under Subsection (3), the municipal clerk or recorder shall inform the appropriate election official who:
    - (i) shall:
      - (A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
      - (B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
    - (ii) may not count any votes for that candidate.
  - (b) Notwithstanding Subsection (8)(a), a candidate who timely files each campaign finance statement required under Subsection (3) is not disqualified if:
    - (i) the statement details accurately and completely the information required under Subsection (4), except for inadvertent omissions or insignificant errors or inaccuracies; and
    - (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

- (9) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (10)
- (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
  - (b) In a civil action under Subsection (10)(a), the court may award costs and attorney fees to the prevailing party.

Amended by Chapter 94, 2016 General Session  
Amended by Chapter 409, 2016 General Session